

EXHIBIT C

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF ARIZONA

3
4 IN RE BARD IVC FILTERS

CASE NO.

5 PRODUCTS LIABILITY LITIGATION

MD-15-02641-PHX-DGC

6 (PAGES 1-118)

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11 VIDEOTAPED DEPOSITION OF EXPERT WITNESS

12 ROBERT M. McMEEKING, PhD, NAE, FREng, FRSE, LFASME

13 WEDNESDAY, JANUARY 30, 2019, 10:02 A.M.

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24 OUR JOB NO: 3191492

25 REPORTED BY: GINA STACY KAREN, CSR 7927

1 VIDEOTAPED DEPOSITION OF EXPERT WITNESS ROBERT M.
2 McMEEKING, PhD, NAE, FEng, FRSE, LFASME, TAKEN ON BEHALF
3 OF DEFENDANTS C.R. BARD, INC., AND BARD PERIPHERAL
4 VASCULAR, INC., AT 10:02 A.M., WEDNESDAY, JANUARY 30,
5 2019, AT MARRIOTT SANTA BARBARA GOLETA, 401 STORKE ROAD,
6 GOLETA, CALIFORNIA, BEFORE GINA STACY KAREN, CSR 7927,
7 PURSUANT TO NOTICE

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ALSO PRESENT: MICHAEL CURRIE, VIDEOGRAPHER

1 Greenfield filter has a lower risk of migration,
2 perforation, fracture, or embolization?

3 A That's correct.

4 Q And you've performed no calculations in this case
5 to determine whether the Tulip filter has a lower risk of
6 tilt than the Recovery filter; correct?

7 A That's correct. Not in this case.

8 Q Have you in this litigation?

9 A I've made assessment -- on this litigation?

10 Q Yes.

11 A No. No. No.

12 Q And any assessments you've made in other
13 litigation are not forming the basis of your opinions
14 here?

15 A That's correct.

16 Q And in this litigation and as a part of your
17 opinions in this litigation you have performed no
18 calculations to determine whether the Bird's Nest filter
19 has a lower risk of tilt, migration, perforation,
20 fracture, or embolization than the Recovery filter;
21 correct?

22 A That's correct.

23 Q It is possible that the addition of caudal
24 anchors to the Recovery filter would not have eliminated
25 the risk of caudal migration; correct?

1 A Correct.

2 Q And it's entirely possible that adding those
3 anchors would not have eliminated the risk of migration,
4 fracture, or embolization?

5 A That's correct. Would not have eliminated it,
6 correct.

7 Q And you have done no calculations as to the
8 extent of which caudal anchors would have reduced the
9 risk of penetration, tilt, migration, fracture, or
10 embolization; correct?

11 A That's correct.

12 Q And it's entirely possible that adding
13 penetration limiters to the Recovery filter would not
14 have eliminated the risk of penetration; correct?

15 A Would not have eliminated the risk, correct.

16 Q Right.

17 And it's entirely possible that adding the
18 penetration limiters would not have eliminated the risk
19 of tilt, migration, fracture, or embolization; correct?

20 A Correct. Would not have eliminated them.
21 Correct.

22 Q But you have done no calculations to attempt to
23 quantify the extent to which adding penetration limiters
24 to the Recovery filter would reduce the risk of
25 penetration, tilt, migration, fracture, or embolization;

1 correct?

2 A That's correct.

3 Q It's entirely possible that using a two-tiered
4 design would not have prevented Mrs. Tinlin from
5 sustaining any of the injuries she alleges in this case;
6 correct?

7 A That's correct.

8 Sorry. Could repeat the question.

9 Q It's entirely possible that using a two-tiered
10 design would not have prevented Mrs. Tinlin from
11 sustaining any of the injuries she alleges in this case?

12 A Yes. I agree.

13 Q And you have done no calculations in this
14 litigation as to -- to try to quantify the extent to
15 which a two-tiered design might reduce the risk of
16 Mrs. Tinlin having sustained the injuries she did?

17 A That's correct.

18 Q It's entirely possible that improving the shape
19 of the cap, as you suggest, would not have prevented
20 Mrs. Tinlin from sustaining any of the injuries she
21 alleges; correct?

22 A That's correct.

23 Q And you have performed no calculations in this
24 litigation to quantify the extent to which a cap would
25 have reduced the risk to Mrs. Tinlin of sustaining the

1 injuries?

2 A That's correct.

3 Q And, therefore, it is possible that adding all of
4 the design features you suggest would not have prevented
5 Mrs. Tinlin from sustaining the injuries she alleges;
6 correct?

7 A That's correct.

8 Q You are not aware of any single IVC filter that
9 carries no risk of fractures; correct?

10 A I'm not aware of any, that's correct.

11 MR. NORTH: Why don't we take a break. We've
12 been going 75 minutes, I think.

13 MR. STOLLER: Fine.

14 THE VIDEOGRAPHER: The time is 11:15 a.m., and we
15 are off the record.

16 (Recess.)

17 THE VIDEOGRAPHER: The time is 11:26 a.m., and
18 we're back on the record.

19 BY MR. NORTH:

20 Q Dr. McMeeking, you agree that all IVC filters can
21 tilt; correct?

22 A I'm not sure I agree with that. But many of them
23 do tilt, yes, or can tilt.

24 Q And all IVC filters can penetrate?

25 A Yes. I agree with that.

1 Q All IVC filters can migrate; correct?

2 A I agree with that, yes.

3 Q And all IVC filters can fracture?

4 A I think that's likely the case, yes, I agree.

5 Q Now, you said -- seemed to apply that not all IVC
6 filters can tilt. Are there some that you believe cannot
7 tilt?

8 A I think the ones that are quite cylindrical in
9 shape are perhaps unable to tilt.

10 Q But many of the filters that are on the market
11 can tilt; correct?

12 A That's correct.

13 Q As we sit here today, Doctor, you cannot say to a
14 reasonable degree of engineering certainty that the
15 design changes you discuss in your report would have
16 prevented Mrs. Tinlin's injuries, can you?

17 A That's correct.

18 Q And you cannot say by what percentage the risk
19 would have been reduced with these design changes, can
20 you?

21 A That's correct.

22 Q Is there anywhere in your report where you
23 outline the specific health conditions Mrs. Tinlin
24 suffers that might have impacted her filter in and its
25 performance?

1 design features to eliminate or reduce tilt?

2 A Correct.

3 Q And you're not aware of any design feature or any
4 IVC filter that totally eliminates the risk of tilt; is
5 that correct?

6 A That's correct.

7 Q And you cannot say that any feature, if added to
8 the Recovery filter, would have eliminated tilt in
9 Mrs. Tinlin's case; correct?

10 A That's correct.

11 Q And you cannot say by what percentage of risk
12 tilt would have been -- what percentage risk of tilt
13 occurring would have been reduced -- let me try this
14 again.

15 You can't quantify how much the risk of tilt
16 would be reduced in a filter with any particular safety
17 feature added to the Recovery; correct?

18 A That's correct.

19 Q And you cannot say that Mrs. Tinlin's injuries
20 would be avoided all together by the addition of any
21 particular safety feature to eliminate or reduce tilt?

22 A That's correct.

23 Q Now, you've given previous testimony and you've
24 talked in your previous reports about Bard's testing and
25 analysis; correct?